

SECTION 106 -- CONTROL OF MATERIAL

106.01 -- Sources of Supply of Materials

1. Unless otherwise provided, materials used in the work shall be new and conform to the requirements of Subsection 105.03.
2. In order to expedite the inspection and testing of materials, the Contractor shall advise the Engineer at least two weeks before delivery of materials from commercial sources of supply.
3. The Contractor will be allowed to drill wells within the right-of-way limits for the purpose of securing water for the contracted construction. The Contractor shall comply with the State's Standard License Agreement, and the well driller must be Nebraska licensed. No charge will be made for any water removed from these wells. When a well is no longer needed, it shall be capped in accordance with applicable laws and regulations.

106.02 -- Samples, Tests, and Cited Standards

1. All materials are subject to and will be inspected, tested, and accepted by the Engineer before incorporation in the work. However, the Engineer may waive any of the requirements regarding determination of quality for small quantities of materials and small or noncritical structures. Any work using untested and unacceptable materials without written permission of the Engineer shall be performed at the Contractor's risk subject to the conditions in Subsection 105.03.
2. All materials being used are subject to inspection, tests, and rejection at any time.
3. Sampling and testing shall be done by the Department or the Contractor as specified.
4. Upon request, copies of all test results will be furnished to the Contractor.
5. The frequencies and methods of sampling and testing materials, including those required for a definite purpose and not covered by these *Standard Specifications*, will be according to the Department's *Materials Sampling Guide* and *Standard Methods of Tests*, unless otherwise specified. The testing of materials not covered by the Department's *Standard Methods of Tests* will be according to the standard test methods of AASHTO and ASTM in effect on the date of advertisement for bids. If there is a difference in the test methods, the order of precedence will be as follows:

<p style="text-align: center;">Precedent Order</p>

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| <ul style="list-style-type: none">- NDR <i>Standard Method of Tests</i>- AASHTO- ASTM |
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6. The following provisions will apply when the Department uses the specifications or methods from the sources named below:
 - a. (1) ASTM - American Society for Testing and Materials. The ASTM designation number refers to the Society's latest adopted or tentative standard as published in its entirety in the bound volume. The standard or tentative standard in effect on the bid advertising date will apply in each case.

(2) Copies of any separate ASTM specifications or test methods may be obtained from: American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

b. (1) AASHTO - American Association of State Highway and Transportation Officials. An AASHTO designation number refers to the organization's currently published *Standard Specifications for Transportation Materials and Methods of Sampling and Testing* or any adopted revisions.

(2) All standards or revisions in effect on the bid advertising date will apply.

(3) Copies of *Standard Specifications for Transportation Materials and Methods of Sampling and Testing* may be obtained from: American Association of State Highway and Transportation Officials, 917 National Press Building, Washington, D.C. 20001.

c. (1) Federal Specification - *U.S. Government Federal Stock Catalogue*. The specification number refers to the most recent revision adopted by the General Services Administration. Revisions in effect on the bid advertising date will apply.

(2) Copies of separate specifications listed in the *Federal Stock Catalogue* may be obtained at the prices indicated from: Business Service Center, General Services Administration, Regional Office Building, Seventh and D Streets, Washington, D.C. 20005.

106.03 -- Plant Inspection

1. The Engineer may choose to inspect materials at the source. In this event, the following conditions shall be met:

a. The Contractor and the producer or manufacturer of any materials shall assist and cooperate with the Engineer's inspections.

b. The Engineer shall have unrestricted rights to enter areas of the plant involved in the manufacture or production of the materials being furnished to the Department.

c. When required by the Engineer, the Contractor shall arrange for an approved building for use by the inspector. This building shall be:

(1) Located conveniently near the plant.

(2) Independent of any building used by the material producer.

(3) In conformance with the requirements of Section 901.

d. Adequate safety measures shall be provided and maintained.

2. The Department may retest and reject previously tested and conditionally accepted materials.

106.04 -- Delivery, Storage, and Handling of Materials

1. All materials shall be handled and stored to preserve their quality and fitness for the work. During the handling of all aggregates or other construction materials, special care shall be taken to prevent contamination. Furthermore, aggregates shall be handled in such a manner as to prevent segregation.

2. Vehicles, including railway cars and barges used in transporting construction materials, must be kept clean, free from contamination, in proper working condition, and capable of preventing the loss of materials during transportation.

3. a. The Engineer may require that materials be stored above ground, covered, or similarly protected in weatherproof buildings.

b. Stored materials are subject to initial or additional inspection before their ultimate incorporation in the work and shall be located to facilitate that inspection.

c. The Contractor will be allowed to store material and equipment within the right-of-way at locations approved by the Engineer, but shall be responsible for the restoration and repair of any damage to turf or other plant life resulting from such operations. Any additional space that may be needed for storage purposes and for the placing of plant and equipment shall be provided by the Contractor at no additional cost to the Department.

4. The Contractor shall include the cost of handling, transporting, and placing State-furnished material in the contract unit price for the relevant pay item.

106.05 -- Unacceptable Materials

1. All materials not conforming to the requirements of the *Specifications* shall be considered unacceptable unless approved under the provisions of Subsection 105.03.

2. Materials not meeting the requirements of the *Specifications* will be rejected and shall be immediately removed from the project unless the defects are corrected and approved by the Engineer. If the Contractor fails to comply promptly with any order of the Engineer made under the provisions of this Subsection, the Engineer has the authority to remove and replace defective material and to deduct the cost of removal and replacement from money due the Contractor.

106.06 -- State-Furnished Materials

1. When the contract provides that certain materials required to complete the work will be furnished by the State, they will be delivered or made available to the Contractor at the location(s) specified in the plans or special provisions.

2. When the Department furnishes materials, the Contractor shall sign the DR Form 146, "Stock Requisition", acknowledging receipt.

3. a. The Contractor shall be responsible for all receipted materials. Shortages will be replaced in kind or reimbursed by deductions from money due the Contractor.

b. The Contractor shall be responsible for all damages occurring to State-furnished materials while the materials are in his/her possession. Any demurrage or storage charges shall also be the responsibility of the Contractor. The cost of damages, demurrage, or storage shall be deducted from money due the Contractor.

4. The Contractor shall include the cost of handling, transporting, and placing all State-furnished materials in the contract unit price for the relevant pay item.

106.07 -- Buy America

1. The Buy America rule requires that steel products be produced domestically, and only those products which are brought to the construction site and permanently incorporated into the completed project are covered. Construction materials, forms, etc., which remain in place at the Contractor's convenience, but are not required by the contract, are not covered.

2. To further define the coverage, a domestic product is a manufactured steel construction material that was produced in one of the 50 States, the District of Columbia, Puerto Rico, or in the territories and possessions of the United States.

3. All manufacturing processes to produce steel products (i.e., smelting, and any subsequent process which alters the steel material's physical form or shape, or changes its chemical composition) must occur within one of the 50 states, the District of Columbia, Puerto Rico, or in the territories and possessions of the United States, to be considered of domestic origin. This includes processes such as rolling, extruding, machining, bending, grinding, drilling, and coating. Coating includes epoxy coating, galvanizing, painting, and any other coating that protects or enhances the value of the material. The manufacturer shall include a statement on the material test report or certification that all material described above except the coating material is a domestic product.

4. Raw materials used in the steel product may be imported. All manufacturing processes to produce steel products must occur domestically. Raw materials are materials such as iron ore, limestone, waste products, etc., which are used in the manufacturing process to produce the steel products. Waste products would include scrap; i.e., steel no longer useful in its present form from old automobiles, machinery, pipe, railroad tracks and the like. Also, steel trimmings from mills or product manufacturing are considered waste. Extracting, crushing, and handling the raw materials which is customary to prepare them for transporting are exempt from Buy America. The use of pig iron and processed, pelletized, and reduced iron ore manufactured outside of the United States may be used in the domestic manufacturing process for steel and/or iron materials.

5. Notwithstanding this requirement, a minimum of foreign steel will be permitted if its value is less than one-tenth of one percent of the total contract cost or \$2,500, whichever is greater.

6. The prime Contractor shall furnish a letter to the State on company letterhead and signed by an officer of the company stating that documentation is on file certifying that all steel products brought to the construction site and permanently incorporated in the project will comply in all respects with the Buy America requirements.